

PROVIDING FOR CONSIDERATION OF H.R. 2703, THE EFFEC-  
TIVE DEATH PENALTY AND PUBLIC SAFETY ACT OF 1996

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MARCH 12, 1996.—Referred to the House Calendar and ordered to be printed

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Ms. PRYCE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 380]

The Committee on Rules, having had under consideration House Resolution 380, by a non-record vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for consideration of H.R. 2703, the “Effective Death Penalty and Public Safety Act of 1996” under a modified closed rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on the Judiciary. The rule provides for consideration of only those amendments printed in the Rules Committee report, which shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided between the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule also waives all points of order against the amendments printed in the report.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and allows the Chairman of the Committee of the Whole to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote.

The rule provides for one motion to recommit, with or without instructions.

The rule provides that it shall be in order at any time for the Judiciary Committee Chairman or a designee to offer amendments en bloc consisting of amendments not previously disposed of which

are printed in the Rules Committee report or germane modifications thereof. The rule provides that amendments offered en bloc shall be considered as read (except that modifications shall be reported), and shall be debatable for 20 minutes equally divided between the chairman and ranking minority member of the Judiciary Committee or their designee. The rule permits the original proponent of an amendment included in an en bloc amendment to insert a statement in the Congressional Record immediately prior to the disposition of the amendments en bloc.

The rule provides that after passage of H.R. 2703, it shall be in order to take S. 735 from the Speaker's table and consider it in the House. The rule allows for a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 2703 as passed by the House. The rule provides further that it shall be in order to move that the House insist on its amendments to S. 735 and request a conference.

SUMMARY OF AMENDMENTS MADE IN ORDER FOR H.R. 2703 THE  
EFFECTIVE DEATH PENALTY AND PUBLIC SAFETY ACT OF 1996

(LISTED IN THE ORDER THEY APPEAR IN THIS REPORT)

1. Hyde: Revised—Manager's Amendment. Strikes "Disclosure of Certain Consumer Reports to the FBI" and "Disclosure of Business Records held by Third Parties in Foreign Counterintelligence Cases" sections. Modifies language allowing lawsuits by U.S. citizens against terrorist states to only require pre-trial arbitration if the terrorist act occurred within the boundaries of the country being sued, and adds a 10 year statute of limitations for such suits. Provides for closed circuit televised court proceedings to allow victims to watch a criminal trial that is moved out of state and a significant distance from where it would have taken place. Adds new section giving the FBI authority to conduct law enforcement training and instruction to foreign law enforcement officers. Strikes section 310 relating to the Attorney Generals reward authority. Strikes section 670 which allocated FY1995 funds for the Department of Justice. (20 minutes)

2. Barr: Revised—Modifies study of ammunition capable of penetrating police body armor; deletes disclosure of certain records to the FBI; deletes section allowing wiretapping evidence obtained in "good faith; deletes provision streamlining removal of alien terrorists; deletes section authorizing the Executive Branch to "brand" organizations as terrorist; deletes the "should have known" standard and the "reasonable cause to believe" test; and adds language stating that black and smokeless powder will not be studied in the "tagging" of explosive materials study; deletes section 307 which provides the FBI with access to individuals' telephone billing record without a court order. (1 hour)

3. Hastings (FL): Adds certain listed acts to imprisonment list for those who provide material support for terrorist acts. (10 minutes)

4. DeLauro: Directs the Sentencing Commission to enhance penalties for individuals convicted of crimes involving laser sighting devices. (10 minutes)

5. Burton: Revised—Strikes section 305, that would expand the use of oral and wire communications as evidence in federal criminal prosecutions. (20 minutes)

6. Berman: Modifies the initial screening standard used by the immigration officer under the expedited exclusion procedure to determine whether or not an applicant for asylum at a port-of-entry has a credible fear of persecution in the country he or she has just fled. (10 minutes)

7. Doolittle: Allows state and local law enforcement officials to arrest and detain illegal aliens who have previously been deported for criminal behavior until they can be taken into federal custody by the INS. (20 minutes)

8. Traficant: Sense of Congress amendment that whenever practicable, recipients of any money authorized in H.R. 1710 should buy American. (10 minutes)

9. Schumer: Establishes within the FBI a Domestic Counterterrorism Center. (20 minutes)

10. Watt/Chenoweth: Strikes the habeas corpus provisions in the bill. (30 minutes)

11. Bachus/Spratt: Adds a new title creating a Task Force to assess the extent to which U.S. currency is being counterfeited overseas; requires the State Department to approve overseas deployment of Secret Service agents; instructs the Sentencing Commission to enhance sentences of those convicted of counterfeiting U.S. currency overseas. (10 minutes)

12. Bartlett: Creates a Blue Ribbon Commission with a two year tenure to investigate and evaluate various aspects of the current state of Federal Law Enforcement to facilitate a restoration of public confidence. (10 minutes)

13. Bryant (TN): Prohibits court-appointed legal counsel from being paid extraordinarily high hourly rates in cases relating to the death penalty, particularly in habeas corpus appeals. Also requires public disclosure of amounts awarded in fees and expenses. (10 minutes)

14. Kennedy (MA)/Kasich: Adds offenses relating to biological weapons to federal law as criminal offenses that are prosecutable. (20 minutes)

15. Martini: Expands the Federal death penalty statute to include situations in which a defendant “\* \* \* intentionally kills or attempts to kill more than one person in a single criminal episode.” (10 minutes)

16. McCollum/Schumer: Establishes a permanent criminal penalty for anyone who engages in a financial transaction with a terrorist organization or a country which supports terrorist activities. (20 minutes)

17. Conyers/Nadler: Amendment in the nature of a substitute. Modifies fundraising prohibition contained in Sec. 102 of Hyde/Barr to allow for expedited judicial review. Sec. 103 is identical to Hyde/Barr. Deletes a number of provisions from Hyde-Barr including the provision making it a crime to donate property or services to groups designated as “terrorist” by the Secretary of State, the cop killer bullets study, and the habeas corpus reform provisions. (1 hour)

## COMMITTEE VOTES

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

## RULES COMMITTEE ROLLCALL NO. 298

Date: March 12, 1996.

Measure: Rule for consideration of H.R. 2703, Effective Death Penalty and Public Safety Act.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the amendment by Reps. Markey and Hoyer to eliminate the BATF relief procedure for firearms and explosives for convicted felons.

Results: Rejected, 4 to 7.

Vote by Members: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Yea; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Yea; Beilenson—Yea; Frost—Yea; Solomon—Nay.

The amendments made in order by the rule:

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

On the first page, beginning in line 4, strike “Comprehensive” and all that follows through “1995” in line 5 and insert “Effective Death Penalty and Public Safety Act of 1996”.

Page 6, line 1, strike “should have known” and insert “has reasonable cause to believe”.

Page 34, strike line 19 and all that follows through the matter appearing before line 3 on page 47, and redesignate succeeding sections and any cross references (including the table of contents) accordingly.

Page 137, line 15, insert “the court shall decline to hear a claim under this paragraph” after “except that”.

Page 137, beginning in line 16, strike “an action under” and all that follows through “affords” ending in line 18, and insert “if the act occurred in the foreign state against which the claim has been brought and the claimant has not afforded”.

Page 137, beginning in line 21, strike “an action under” and all that follows through “national” and insert “if the claimant or victim was not a national”.

Page 138, line 2, insert “when the act upon which the claim is based occurred” after “Act”.

Page 138, line 2, strike “and” and insert “or”.

Page 138, line 3, strike “the court shall” and all that follows through “has been brought” in line 5, and insert “if the act occurred in the foreign state against which the claim has been brought and that state”.

Page 138, beginning in line 9, strike “new subsection”.

Page 138, line 22, strike the close quotation mark and the period that follows it.

Page 138, after line 22, insert the following:

“(f) No action shall be maintained under subsection (a)(7) unless the action is commenced not later than 10 years after the date on which the cause of action arose. All principles of equitable tolling,

including the period during which the foreign state was immune from suit, shall apply in calculating this limitation period.”.

Page 151, after line 5, insert the following:

**SEC. 807. OVERSEAS LAW ENFORCEMENT TRAINING ACTIVITIES.**

The Director of the Federal Bureau of Investigation is authorized to support law enforcement training activities in foreign countries for the purpose of improving the effectiveness of the United States in investigating and prosecuting transnational offenses.

**SEC. 808. CLOSED CIRCUIT TELEVISED COURT PROCEEDINGS FOR VICTIMS OF CRIME.**

(a) **IN GENERAL.**—Notwithstanding any provision of the Federal Rules of Criminal Procedure to the contrary, in order to permit victims of crime to watch criminal trial proceedings in cases where the venue of the trial is changed—

(1) out of the State in which the case was initially brought; and

(2) more than 350 miles from the location in which those proceedings originally would have taken place;

the courts involved shall, if donations under subsection (b) will defray the entire cost of doing so, order closed circuit televising of the proceedings to that location, for viewing by such persons the courts determine have a compelling interest in doing so and are otherwise unable to do so by reason of the inconvenience and expense caused by the change of venue.

(b) **NO REBROADCAST.**—No rebroadcast of the proceedings shall be made.

(c) **LIMITED ACCESS.**—

(1) **GENERALLY.**—No other person, other than official court and security personnel, or other persons specifically designated by the courts, shall be permitted to view the closed circuit televising of the proceedings.

(2) **EXCEPTION.**—The courts shall not designate a person under paragraph (1) if the presiding judge at the trial determines that testimony by that person would be materially affected if that person heard other testimony at the trial.

(d) **DONATIONS.**—The Administrative Office of the United States Courts may accept donations to enable the courts to carry out subsection (a). No appropriated money shall be used to carry out such subsection.

(e) **DEFINITION.**—As used in this section, the term “State” includes the District of Columbia and any other possession or territory of the United States.

Modify the table of contents accordingly.

Page 52, strike line 1 and all that follows through line 17 on page 53.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

Page 125, strike line 13 and all that follows through line 20.

Redesignate succeeding sections accordingly, and modify cross references and the table of contents accordingly.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARR OF  
GEORGIA, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

Page 28, strike lines 10 through 20, and insert the following:

**SEC. 112. STUDY AND RECOMMENDATIONS FOR ASSESSING AND REDUCING THE THREAT TO LAW ENFORCEMENT OFFICERS FROM THE CRIMINAL USE OF FIREARMS AND AMMUNITION.**

(a) The Secretary of the Treasury, in conjunction with the Attorney General, shall conduct a study and make recommendations concerning—

(1) the extent and nature of the deaths and serious injuries, in the line of duty during the last decade, for law enforcement officers, including—

(A) those officers who were feloniously killed or seriously injured and those that died or were seriously injured as a result of accidents or other non-felonious causes; and

(B) those officers feloniously killed or seriously injured with firearms, those killed or seriously injured with, separately, handguns firing handgun caliber ammunition, handguns firing rifle caliber ammunition, rifles firing rifle caliber ammunition, rifles firing handgun caliber ammunition and shotguns; and

(C) those officers feloniously killed or seriously injured with firearms, and killings or serious injuries committed with firearms taken by officers' assailants from officers, and those committed with other officers' firearms; and

(D) those killed or seriously injured because shots attributable to projectiles defined as "armor piercing ammunition" under 18, § 921(a)(17)(B) (i) and (ii) pierced the protective material of bullet resistant vests and bullet resistant headgear; and

(2) whether current passive defensive strategies, such as body armor, are adequate to counter the criminal use of firearms against law officers; and

(3) the calibers of ammunition that are—

(A) sold in the greatest quantities; and

(B) their common uses, according to consultations with industry, sporting organizations and law enforcement; and

(C) the calibers commonly used for civilian defensive or sporting uses that would be affected by any prohibition on non-law enforcement sales of such ammunition, if such ammunition is capable of penetrating minimum level bullet resistant vests; and

(D) recommendations for increase in body armor capabilities to further protect law enforcement from threat.

(b) In conducting the study, the Secretary shall consult with other Federal, State and local officials, non-governmental organizations, including all national police organizations, national sporting organizations and national industry associations with expertise in this area and such other individuals as shall be deemed necessary. Such study shall be presented to Congress twelve months after the enactment of this Act and made available to the public, including any data tapes or data used to form such recommendations.

(c) There are authorized to be appropriated for the study and recommendations such sums as may be necessary.

Page 34, strike line 6, and all that follows through the matter following line 2 but before line 3 on page 47.

Redesignate succeeding sections accordingly.

Page 48, strike lines 3 through 14.

Redesignate succeeding sections accordingly.

Page 63, strike line 14 and all that follows through line 23 on page 94.

Redesignate succeeding sections accordingly.

Page 95, strike line 10 and all that follows through line 17 on page 100.

Redesignate succeeding sections accordingly.

Page 6, line 1, strike "or should have known".

Page 32, line 22, strike the one-m dash and all that follows through "(2)" on page 33, run in the material before and after the matter so stricken, and realign the margins of line 1 through 5 on page 33 so as to be flush to the margin.

Page 47, after line 22, insert the following:

(b) EXCLUSION.—No study undertaken under this section shall include black or smokeless powder among the explosive materials considered.

Page 47, line 23, strike "(b)" and insert "(c)".

Page 49, strike line 12 and all that follows through line 7 on page 51.

Redesignate succeeding sections accordingly.

### 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, beginning in line 23, strike "32" and all that follows through "2332b" in line 25 and insert "32, 37, 81, 175, 351, 831, 842(m) or (n), 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1362, 1363, 1366, 1751, 2155, 2156, 2280, 2281, 2332, 2332a, 2332b, or 2340A".

### 4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DeLAURO OF CONNECTICUT, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title II, add the following:

#### **SEC. 206. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.**

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the

commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.  
Amend the table of contents accordingly.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON OF INDIANA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 48, strike line 3 and all that follows through line 14, redesignate succeeding sections accordingly and modify any cross references (including the table of contents) accordingly.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERMAN OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 104, beginning in line 7, strike “more probable than not” and insert “probable”.

Page 104, line 10, strike “significant” and insert “reasonable”.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DOOLITTLE OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 133, after line 17, insert the following new section (and conform the table of contents accordingly):

**SEC. 678. AUTHORIZING STATE AND LOCAL LAW ENFORCEMENT OFFICIALS TO ARREST AND DETAIN CERTAIN ILLEGAL ALIENS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, to the extent permitted by relevant State and local law, State and local law enforcement officials are authorized to arrest and detain an individual who—

(1) is an alien illegally present in the United States and

(2) has previously been convicted of a felony in the United States and deported or left the United States after such conviction,

but only after the State or local law enforcement officials obtain appropriate confirmation from the Immigration and Naturalization Service of the status of such individual and only for such period of time as may be required for the Service to take the individual into Federal custody for purposes of deporting or removing the alien from the United States.

(b) COOPERATION.—The Attorney General shall cooperate with the States to assure that information in the control of the Attorney General, including information in the National Crime Information Center, that would assist State and local law enforcement officials in carrying out duties under subsection (a) is made available to such officials.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of title VII the following:



**SEC. 704. SENSE OF CONGRESS.**

It is the sense of Congress that, whenever practicable recipients of any sums authorized to be appropriated by this Act, should use the money to purchase American-made products.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHUMER OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title VIII (Miscellaneous) add the following:

**SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for each of fiscal years 1996 through 2000 to the Federal Bureau of Investigation such sums as are necessary—

(1) to hire additional personnel, and to procure equipment, to support expanded investigations of domestic and international terrorism activities;

(2) to establish a Domestic Counterterrorism Center to coordinate and centralize Federal, State, and local law enforcement efforts in response to major terrorist incidents, and as a clearinghouse for all domestic and international terrorism information and intelligence; and

(3) to cover costs associated with providing law enforcement coverage of public events offering the potential of being targeted by domestic or international terrorists.

Conform the table of contents accordingly.

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10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATT OF NORTH CAROLINA, OR REPRESENTATIVE CHENOWETH OF IDAHO, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

Page 151, strike line 6 and all that follows through line 25 on page 176.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACHUS OF ALABAMA, OR REPRESENTATIVE SPRATT OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following new title:

**TITLE \_\_\_\_—INTERNATIONAL  
COUNTERFEITING**

**SEC. \_\_\_\_01. SHORT TITLE.**

This title may be cited as the “International Counterfeiting Prevention Act of 1996”.

**SEC. \_\_\_\_02. INTERAGENCY TASK FORCE ON INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Secretary of State shall establish, and appoint the

members of, an interagency task force (hereafter in this title referred to as the “task force”) to—

(A) monitor the use and holding of United States currency in foreign countries;

(B) produce a statistically valid estimate of the amount of counterfeit United States currency that is produced, passed, and possessed outside the United States each year; and

(C) coordinate the activities of the agencies represented on the task force in carrying out the duties described in subparagraphs (A) and (B).

(2) COMPOSITION OF TASK FORCE.—The task force shall consist of the following:

(A) The Under Secretary of the Treasury for Enforcement, or a designee of the Under Secretary.

(B) The Director of the United States Secret Service, or a designee of the Director.

(C) The Director of the Bureau of Engraving and Printing, or a designee of the Director.

(D) Such other officers of the Department of the Treasury, including any officer in any bureau, office, or service within the department, as the Secretary of the Treasury may determine to be appropriate, or any designee of any such officer.

(E) A member of the Board of Governors of the Federal Reserve System as designated by the Chairman of such Board, or a designee of such member.

(F) The general counsel of the Board of Governors of the Federal Reserve System, or a designee of the general counsel.

(G) Such other officers of the Board of Governors of the Federal Reserve System as the Chairman of such Board may determine to be appropriate, or a designee of any such officer.

(H) Such officers of the Department of State as the Secretary of State may determine to be appropriate, or a designee of any such officer.

(3) CHAIRPERSON.—The Secretary of the Treasury shall serve as the chairperson of the task force.

(b) EVALUATION AUDIT PLAN.—

(1) IN GENERAL.—The task force shall establish an effective international evaluation audit plan that is designed to enable the agencies represented on the task force to carry out the duties described in subparagraphs (A) and (B) of subsection (a)(1) on a regular and thorough basis.

(2) SUBMISSION OF DETAILED WRITTEN SUMMARY.—The task force shall submit a detailed written summary of the evaluation audit plan developed pursuant to paragraph (1) to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act.

(3) 1ST EVALUATION AUDIT UNDER PLAN.—The task force shall begin the first evaluation audit pursuant to the evaluation audit plan no later than the end of the 1-year period beginning on the date of the enactment of this Act.

(4) **SUBSEQUENT EVALUATION AUDITS.**—At least 1 evaluation audit shall be performed pursuant to the evaluation audit plan during each 3-year period beginning after the date of the commencement of the evaluation audit referred to in paragraph (3).

(c) **REPORTS.**—

(1) **IN GENERAL.**—The task force shall submit a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of each evaluation audit conducted pursuant to subsection (b) within 90 days after the completion of the evaluation audit.

(2) **CONTENTS.**—In addition to such other information as the task force may determine to be appropriate, each report submitted to the Congress pursuant to paragraph (1) shall include the following information:

(A) A detailed description of the evaluation audit process and the methods used to detect counterfeit currency.

(B) The method used to determine the currency sample examined in connection with the evaluation audit and an analysis of the statistical significance of the sample examined.

(C) A list of the regions of the world, types of financial institutions, and other entities included.

(D) The total amount of United States currency and the total quantity of each denomination found in each region of the world.

(E) The total amount of counterfeit United States currency and the total quantity of each counterfeit denomination found in each region of the world.

(F) An analysis of the types of counterfeit currency discovered and any recurring patterns of counterfeiting, including currency that fits the family of counterfeit currency designated by the United States Secret Service as C—14342.

(3) **CLASSIFICATION OF INFORMATION.**—

(A) **IN GENERAL.**—To the greatest extent possible, each report submitted to the Congress under this subsection shall be submitted in an unclassified form.

(B) **CLASSIFIED AND UNCLASSIFIED FORMS.**—If, in the interest of submitting a complete report under this subsection, the task force determines that it is necessary to include classified information in the report, the report shall be submitted in a classified and an unclassified form.

(d) **SUNSET PROVISION.**—This section shall cease to be effective as of the end of the 10-year period beginning on the date of the enactment of this Act.

**SEC. \_\_\_\_ 03. LAW ENFORCEMENT AND SENTENCING PROVISIONS RELATING TO INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.**

(a) **FINDINGS.**—The Congress hereby finds the following:

(1) United States currency is being counterfeited outside the United States.

(2) The 103d Congress enacted, with the approval of the President on September 13, 1994, section 470 of title 18, United States Code, making such activity a crime under the laws of the United States.

(3) The expeditious posting of agents of the United States Secret Service to overseas posts, which is necessary for the effective enforcement of section 470 and related criminal provisions, has been delayed.

(4) While section 470 of title 18, United States Code, provides for a maximum term of imprisonment of 20 years as opposed to a maximum term of 15 years for domestic counterfeiting, the United States Sentencing Commission has failed to provide, in its sentencing guidelines, for an appropriate enhancement of punishment for defendants convicted of counterfeiting United States currency outside the United States.

(b) **TIMELY CONSIDERATION OF REQUESTS FOR CONCURRENCE IN CREATION OF OVERSEAS POSTS.—**

(1) **IN GENERAL.—**The Secretary of State shall—

(A) consider in a timely manner the request by the Secretary of the Treasury for the placement of such number of agents of the United States Secret Service as the Secretary of the Treasury considers appropriate in posts in overseas embassies; and

(B) reach an agreement with the Secretary of the Treasury on such posts as soon as possible and, in any event, not later than December 31, 1996.

(2) **COOPERATION OF TREASURY REQUIRED.—**The Secretary of the Treasury shall promptly provide any information requested by the Secretary of State in connection with such requests.

(3) **REPORTS REQUIRED.—**The Secretary of the Treasury and the Secretary of State shall each submit, by February 1, 1997, a written report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate explaining the reasons for the rejection, if any, of any proposed post and the reasons for the failure, if any, to fill any approved post by such date.

(c) **ENHANCED PENALTIES FOR INTERNATIONAL COUNTERFEITING OF UNITED STATES CURRENCY.—**Pursuant to the authority of the United States Sentencing Commission under section 994 of title 28, United States Code, the Commission shall amend the sentencing guidelines prescribed by the Commission to provide an appropriate enhancement of the punishment for a defendant convicted under section 470 of title 18 of such Code.

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12. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTLETT OF MARYLAND, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add at the end the following new title:

## **TITLE —COMMISSION ON THE ADVANCEMENT OF FEDERAL LAW ENFORCEMENT**

### **SEC. \_\_\_\_01. ESTABLISHMENT.**

There is established a commission to be known as the “Commission on the Advancement of Federal Law Enforcement” (in this title referred to as the “Commission”).

### **SEC. \_\_\_\_02. DUTIES.**

The Commission shall investigate, ascertain, evaluate, report, and recommend action to the Congress on the following matters:

(1) In general, the manner in which significant Federal criminal law enforcement operations are conceived, planned, coordinated, and executed.

(2) The standards and procedures used by Federal law enforcement to carry out significant Federal criminal law enforcement operations, and their uniformity and compatibility on an interagency basis, including standards related to the use of deadly force.

(3) The criminal investigation and handling by the United States Government, and the Federal law enforcement agencies therewith—

(A) on February 28, 1993, in Waco, Texas, with regard to the conception, planning, and execution of search and arrest warrants that resulted in the deaths of 4 Federal law enforcement officers and 6 civilians;

(B) regarding the efforts to resolve the subsequent standoff in Waco, Texas, which ended in the deaths of over 80 civilians on April 19, 1993; and

(C) concerning other Federal criminal law enforcement cases, at the Commission’s discretion, which have been presented to the courts or to the executive branch of Government in the last 25 years that are actions or complaints based upon claims of abuse of authority, practice, procedure, or violations of constitutional guarantees, and which may indicate a pattern or problem of abuse within an enforcement agency or a sector of the enforcement community.

(4) The necessity for the present number of Federal law enforcement agencies and units.

(5) The location and efficacy of the office or entity directly responsible, aside from the President of the United States, for the coordination on an interagency basis of the operations, programs, and activities of all of the Federal law enforcement agencies.

(6) The degree of assistance, training, education, and other human resource management assets devoted to increasing professionalism for Federal law enforcement officers.

(7) The independent accountability mechanisms that exist, if any, and their efficacy to investigate, address, and correct systemic or gross individual Federal law enforcement abuses.

(8) The extent to which Federal law enforcement agencies have attempted to pursue community outreach efforts that provide meaningful input into the shaping and formation of agen-

cy policy, including seeking and working with State and local law enforcement agencies on Federal criminal enforcement operations or programs that directly impact a State or local law enforcement agency's geographic jurisdiction.

(9) Such other related matters as the Commission deems appropriate.

**SEC. \_\_\_\_ 03. MEMBERSHIP AND ADMINISTRATIVE PROVISIONS.**

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 5 members appointed as follows:

(1) 1 member appointed by the President pro tempore of the Senate.

(2) 1 member appointed by the minority leader of the Senate.

(3) 1 member appointed by the Speaker of the House of Representatives.

(4) 1 member appointed by the minority leader of the House of Representatives.

(5) 1 member (who shall chair the Commission) appointed by the Chief Justice of the Supreme Court.

(b) **DISQUALIFICATION.**—A person who is an officer or employee of the United States shall not be appointed a member of the Commission.

(c) **TERMS.**—Each member shall be appointed for the life of the Commission.

(d) **QUORUM.**—3 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) **MEETINGS.**—The Commission shall meet at the call of the Chair of the Commission.

(f) **COMPENSATION.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including travel time, during which the member is engaged in the performance of the duties of the Commission.

**SEC. \_\_\_\_ 04. STAFFING AND SUPPORT FUNCTIONS.**

(a) **DIRECTOR.**—The Commission shall have a director who shall be appointed by the Chair of the Commission.

(b) **STAFF.**—Subject to rules prescribed by the Commission, the Director may appoint additional personnel as the Commission considers appropriate.

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed per day the daily equivalent of the maximum annual rate of basic pay payable for GS-15 of the General Schedule.

**SEC. \_\_\_\_05. POWERS.**

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it. The Commission may establish rules for its proceedings.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title. Upon request of the Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this title.

(e) **SUBPOENA POWER.**—

(1) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) **FAILURE TO OBEY SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to the United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) **IMMUNITY.**—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

**SEC. \_\_\_\_06. REPORT.**

The Commission shall transmit a report to the Congress and the public not later than 2 years after a quorum of the Commission has been appointed. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with the

Commission's recommendations for such actions as the Commission considers appropriate.

**SEC. \_\_\_\_ 07. TERMINATION.**

The Commission shall terminate 30 days after submitting the report required by this title.

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**13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRYANT OF TENNESSEE, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add the following at the end:

**TITLE —REPRESENTATION FEES**

**SEC. 01. REPRESENTATION FEES IN CRIMINAL CASES.**

(a) IN GENERAL.—Section 3006A of title 18, United States Code, is amended—

(1) in subsection (d)—

(A) by redesignating paragraphs (4), (5) and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) DISCLOSURE OF FEES.—The amounts paid under this subsection, for representation in any case, shall be made available to the public.”; and

(2) in subsection (3) by adding at the end of the following:

“(4) DISCLOSURE OF FEES.—The amounts paid under this subsection for services in any case shall be made available to the public.”.

(b) FEES AND EXPENSES AND CAPITAL CASES.—Section 408(q)(10) of the Controlled Substances Act (21 U.S.C. 848(q)(10)) is amended to read as follows:

“(10)(A) Compensation shall be paid to attorneys appointed under this subsection at a rate of not less than \$75, and not more than \$125, per hour for in-court and out-of-court time. Fees and expenses shall be paid for investigative, expert, and other reasonably necessary services authorized under paragraph (9) at the rates and in the amounts authorized under section 3006A of title 18, United States Code.

“(B) The amounts paid under this paragraph for services in any case shall be made available to the public.”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to cases commenced on or after the date of the enactment of this Act.

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**14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MASSACHUSETTS, OR REPRESENTATIVE KASICH OF OHIO, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

Add at the end of the following:



## **TITLE —BIOLOGICAL WEAPONS RESTRICTIONS**

### **SEC. 001. SHORT TITLE.**

This Act may be cited as the “Biological Weapons Enhanced Penalties Act of 1996.”.

### **SEC. 002. ATTEMPTS TO ACQUIRE UNDER FALSE PRETENSES.**

Section 175(a) of title 18, United States Code, is amended by inserting “attempts to acquire under false pretenses, after “acquires,”.

### **SEC. 003. INCLUSION OF RECOMBINANT MOLECULES.**

Section 175 of title 18, United States Code, is amended by inserting “recombinant molecules,” after “toxin,” each place it appears.

### **SEC. 004. DEFINITIONS.**

Section 173 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “or naturally occurring or bioengineered component of any such microorganism, virus, or infectious substance,” after “infectious substance”;

(2) in paragraph (2)—

(A) by inserting “the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances” after “means”; and

(B) by inserting “, and includes” after “production”;

(3) in paragraph (4), by inserting “or a molecule, including a recombinant molecule,” after “organism”.

### **SEC. 005. THREATENING USE OF CERTAIN WEAPONS.**

Section 2332a of title 18, United States Code, is amended by inserting “, threatens,” after “uses, or”.

### **SEC. 006. INCLUSION OF RECOMBINANT MOLECULES AND BIOLOGICAL ORGANISMS IN DEFINITION.**

Section 2332a(b)(2)(C) of title 18, United States Code, is amended by striking “disease organism” and inserting “biological agent or toxin, as those terms are defined in section 178”.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARTINI  
OF NEW JERSEY, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

## **TITLE —DEATH PENALTY AGGRAVATING FACTOR**

### **SEC. . DEATH PENALTY AGGRAVATING FACTOR.**

Section 3592(c) of title 18, United States Code, is amended by adding after paragraph (15) the following:

“(16) MULTIPLE KILLINGS OR ATTEMPTED KILLINGS.—The defendant intentionally kills or attempts to kill more than one person in a single criminal episode.”.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCOLLUM OF FLORIDA, OR REPRESENTATIVE SCHUMER OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Add at the end the following:

**TITLE —FINANCIAL TRANSACTIONS WITH TERRORISTS**

**SEC. . FINANCIAL TRANSACTIONS WITH TERRORISTS.**

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting before section 2333 the following:

**“§ 2332c. Financial transactions**

“(a) Except as provided in regulations made by the Secretary of State, whoever, being a United States person, knowing or having reasonable cause to know that a country is a country that has been designated under section 6(j) of the Export Administration Act (50 U.S.C. App. 2405) as a country supporting international terrorism; engages in a financial transaction with that country, shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) As used in this section—

“(1) the term ‘financial transaction’ has the meaning given that term in section 1956(c)(4); and

“(2) the term ‘United States person’ means any United States citizen or national, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter of title 18, United States Code, to which the amendment of subsection (a) was made is amended by inserting before the item relating to section 2333 the following new item:

“2332c. Financial transactions.”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS OF MICHIGAN, OR REPRESENTATIVE NADLER OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

Strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Crimes Associated With Terrorism Act of 1996”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

**TITLE I—CRIMINAL ACTS**

Sec. 101. Protection of Federal employees.

Sec. 102. Prohibiting material support to terrorist organizations.

- Sec. 103. Modification of material support provision.
- Sec. 104. Acts of terrorism against children.
- Sec. 105. Conspiracy to harm people and property overseas.
- Sec. 106. Clarification and extension of criminal jurisdiction over certain terrorism offenses overseas.
- Sec. 107. Expansion and modification of weapons of mass destruction statute.
- Sec. 108. Addition of offenses to the money laundering statute.
- Sec. 109. Expansion of Federal jurisdiction over bomb threats.
- Sec. 110. Clarification of maritime violence jurisdiction.
- Sec. 111. Possession of stolen explosives prohibited.

## TITLE II—INCREASED PENALTIES

- Sec. 201. Penalties for certain explosives offenses.
- Sec. 202. Increased penalty for explosive conspiracies.
- Sec. 203. Increased and alternate conspiracy penalties for terrorism offenses.
- Sec. 204. Mandatory penalty for transferring an explosive material knowing that it will be used to commit a crime of violence.

## TITLE III—INVESTIGATIVE TOOLS

- Sec. 301. Study of tagging explosive materials, detection of explosives and explosive materials, rendering explosive components inert, and imposing controls of precursors of explosives.
- Sec. 302. Requirement to preserve record evidence.
- Sec. 303. Detention hearing.
- Sec. 304. Reward authority of the Attorney General.
- Sec. 305. Protection of Federal Government buildings in the District of Columbia.
- Sec. 306. Study of thefts from armories; report to the Congress.

## TITLE IV—NUCLEAR MATERIALS

- Sec. 401. Expansion of nuclear materials prohibitions.

## TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

- Sec. 501. Definitions.
- Sec. 502. Requirement of detection agents for plastic explosives.
- Sec. 503. Criminal sanctions.
- Sec. 504. Exceptions.
- Sec. 505. Effective date.

## TITLE VI—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

- Sec. 601. Removal procedures for alien terrorists.

## TITLE VII—AUTHORIZATION AND FUNDING

- Sec. 701. Firefighter and emergency services training.
- Sec. 702. Assistance to foreign countries to procure explosive detection devices and other counter-terrorism technology.
- Sec. 703. Research and development to support counter-terrorism technologies.

## TITLE VIII—MISCELLANEOUS

- Sec. 801. Study of State licensing requirements for the purchase and use of high explosives.
- Sec. 802. Compensation of victims of terrorism.
- Sec. 803. Jurisdiction for lawsuits against terrorist States.
- Sec. 804. Compilation of statistics relating to intimidation of government employees.
- Sec. 805. Victim restitution Act.

## TITLE I—CRIMINAL ACTS

**SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.**

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

**“§1114. Protection of officers and employees of the United States**

“Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.”.

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting “, or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or” after “assaults, kidnaps, or murders, or attempts to kidnap or murder”.

**SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—The chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

**“§ 2339B. Providing material support to terrorist organizations**

“(a) OFFENSE.—Whoever, within the United States knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or

should have known is a terrorist organization that has been designated under this section as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

“(b) TERRORIST ORGANIZATION DEFINED.—

“(1) DESIGNATION.—For purposes of this section and the Crimes Associated With Terrorism Act of 1996 and title V of the Immigration and Nationality Act, the term ‘terrorist organization’ means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

“(2) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and the basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record prior to such designation and may use classified information in making such a designation. Such classified information is not subject to disclosure so long as it remains classified, except as provided in paragraph (3) for the purposes of judicial review of such designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this paragraph.

“(3) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this subsection may, not later than 30 days after the date of the designation, seek judicial review thereof in any United States Court of Appeals of competent jurisdiction. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, not supported by a preponderance of the evidence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law. Such review shall proceed in an expedited manner. Designated organizations shall have the opportunity to call witnesses and present evidence in rebuttal of such designation. During the pendency of the court’s review of the designation, the prohibition against providing material support to the organization under this section shall not apply unless the court finds that the Government is likely to succeed on the merits of the designation. For the purposes of this section, any classified information used in making the designation shall be considered by the court, and provided to the organization, under the procedures provided under title V of the Immigration and Nationality Act.

“(4) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the

designation of an organization as a terrorist organization under this subsection.

“(5) SUNSET.—Subject to paragraph (4), the designation under this subsection of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this subsection for designation of the organization.

“(6) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

“(c) DEFINITIONS.—As used in this section, the term—

“(1) ‘material support or resources’ has the meaning given that term in section 2339A of this title; and

“(2) ‘terrorist activity’ means any act in preparation for or in carrying out a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2331(1)(A), 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2339a the following new item:

“2339b. Providing material support to terrorist organizations.”.

#### **SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.**

Section 2339A of title 18, United States Code, is amended to read as follows:

##### **“§ 2339A. Providing material support to terrorists**

“(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 81, 175, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, 2332b, or 2340 of this title or section 46502 or 6012 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

“(b) DEFINITION.—In this section, the term ‘material support or resources’ means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal

substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.”.

**SEC. 104. ACTS OF TERRORISM AGAINST CHILDREN.**

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

**“§ 2332b. Acts of terrorism against children**

“(a) PROHIBITED ACTS.—

“(a) Whoever intentionally commits a Federal crime of terrorism against a child, shall be fined under this title or imprisoned for any term of years or for life, or both. This section does not prevent the imposition of any more severe penalty which may be provided for the same conduct by another provision of Federal law.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘Federal crime of terrorism’ means an offense that—

“(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

“(B) is a violation of—

“(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating

to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

“(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

“(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49; and

“(2) the term ‘child’ means an individual who has not attained the age of 18 years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

“2332b. Acts of terrorism against children.”.

**SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.**

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

**“§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country**

“(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

“(2) The punishment for an offense under subsection (a)(1) of this section is—

“(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

“(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

“(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.”.

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

“956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.”.



**SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.**

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “and later found in the United States”;

(2) so that paragraph (2) reads as follows:

“(2) There is jurisdiction over the offense in paragraph (1) if—

“(A) a national of the United States was aboard the aircraft;

“(B) an offender is a national of the United States; or

“(C) an offender is afterwards found in the United States.”;

and

(3) by inserting after paragraph (2) the following:

“(3) For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking “, if the offender is later found in the United States,”; and

(2) by inserting at the end the following: “There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.”.

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

“(7) ‘National of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”; and

(2) in subsection (c), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”.

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “‘national of the United States,’” before “and”; and

(2) in subsection (e), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”.

(e) **THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.**—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting “‘national of the United States,’” before “and”; and

(2) in subsection (d), by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”.

(f) **KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.**—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: “If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.”; and

(2) by adding at the end the following: “For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

(g) **VIOLENCE AT INTERNATIONAL AIRPORTS.**—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting “(A)” before “the offender is later found in the United States”; and

(2) by inserting “; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))” after “the offender is later found in the United States”.

(h) **BIOLOGICAL WEAPONS.**—Section 178 of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding the following at the end:

“(5) the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).”.

**SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.**

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “AGAINST A NATIONAL OR WITHIN THE UNITED STATES” after “OFFENSE”;

(B) by inserting “, without lawful authority” after “A person who”;

(C) by inserting “threatens,” before “attempts or conspires to use, a weapon of mass destruction”; and

(D) by inserting “and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce” before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking “section 921” and inserting “section 921(a)(4) (other than subparagraphs (B) and (C))”;

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

“(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;”;

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

“(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life.”.

**SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.**

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking “or extortion;” and inserting “extortion, murder, or destruction of property by means of explosive or fire;”.

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after “an offense under” the following: “section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),”;

(2) by inserting after “section 215 (relating to commissions or gifts for procuring loans),” the following: “section 351 (relating to Congressional or Cabinet officer assassination),”;

(3) by inserting after “section 793, 794, or 798 (relating to espionage),” the following: “section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),”;

(4) by inserting after “section 875 (relating to interstate communications),” the following: “section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),”;

(5) by inserting after “1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),” the following: “section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),”;

(6) by inserting after “section 1203 (relating to hostage taking),” the following: “section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),”;

(7) by inserting after “section 1708 (theft from the mail),” the following: “section 1751 (relating to Presidential assassination),”;

(8) by inserting after “2114 (relating to bank and postal robbery and theft),” the following: “section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),”; and

(9) by striking “of this title” and inserting the following: “section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332c (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code”.

#### **SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.**

Section 844(e) of title 18, United States Code, is amended by striking “commerce,” and inserting “interstate or foreign commerce, or in or affecting interstate or foreign commerce,”.

#### **SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.**

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking “and the activity is not prohibited as a crime by the State in which the activity takes place”; and

(2) in clause (iii), by striking “the activity takes place on a ship flying the flag of a foreign country or outside the United States,”.

#### **SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.**

Section 842(h) of title 18, United States Code, is amended to read as follows:

“(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having reasonable cause to believe that the explosive materials were stolen.”.

## **TITLE II—INCREASED PENALTIES**

#### **SEC. 201. PENALTIES FOR CERTAIN EXPLOSIVES OFFENSES.**

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

“(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real prop-

erty in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

“(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

“(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be more than 45 years; and

“(3) if death results to any person other than the offender, the offender shall be subject to imprisonment for any term of years, or for life.”.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking “fined under this title or imprisoned not more than five years, or both” and inserting “imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both”.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

**“§ 3295. Arson offenses**

“No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.”.

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

“3295. Arson offenses.”.

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

**SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.**

Section 844 of title 18, United States Code, is amended by adding at the end the following:

“(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.”.

**SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.**

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting “or conspires” after “attempts”.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking “or attempted kidnapping” both places it appears and inserting “, attempted kidnapping, or conspiracy to kidnap”.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking “or attempted murder” and inserting “, attempted murder, or conspiracy to murder”.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking “and 1113” and inserting “, 1113, and 1117”.

(4) Section 175(a) of title 18, United States Code, is amended by inserting “or conspires to do so,” after “any organization to do so,”.

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting “or conspiring” after “attempting”.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting “or conspiring to commit” after “committing”.

**SEC. 204. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.**

Section 844 of title 18, United States Code, is amended by adding at the end the following:

“(o) Whoever knowingly transfers any explosive materials, knowing that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.”.

## **TITLE III—INVESTIGATIVE TOOLS**

**SEC. 301. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.**

(a) STUDY.—The Secretary of the Treasury, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Secretary of the Treasury deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a re-

port that contains the results of the study required by this section. The Secretary shall make the report available to the public.

(c) **LIMITATION.**—The study under this section shall not include black powder or smokeless powder among the explosive materials it concerns.

**SEC. 302. REQUIREMENT TO PRESERVE RECORD EVIDENCE.**

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

“(f) **REQUIREMENT TO PRESERVE EVIDENCE.**—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.”.

**SEC. 303. DETENTION HEARING.**

Section 3142(f) of title 18, United States Code, is amended by inserting “(not including any intermediate Saturday, Sunday, or legal holiday)” after “five days” and after “three days”.

**SEC. 304. REWARD AUTHORITY OF THE ATTORNEY GENERAL.**

(a) **IN GENERAL.**—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

**“§ 3059. Reward authority of the Attorney General**

“(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

“(b) If the reward exceeds \$100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

“(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

“(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient’s immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

“(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

“(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General’s witness security program under chapter 224 of this title.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by

striking the items relating to section 3059 and 3059A and inserting the following new item:

“3059. Reward authority of the Attorney General.”.

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

**SEC. 305. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.**

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

**SEC. 306. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.**

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

## **TITLE IV—NUCLEAR MATERIALS**

**SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.**

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “nuclear material” each place it appears and inserting “nuclear material or nuclear by-product material”;

(2) in subsection (a)(1)(A), by inserting “or the environment” after “property”;

(3) so that subsection (a)(1)(B) reads as follows:

“(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;”;

(4) in subsection (a)(6), by inserting “or the environment” after “property”;

(5) so that subsection (c)(2) reads as follows:

“(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;”;

(6) in subsection (c)(3), by striking “at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and”;

(7) by striking “or” at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking “nuclear material for peaceful purposes” and inserting “nuclear material or nuclear byproduct material”;



(9) by striking the period at the end of subsection (c)(4) and inserting “; or”;

(10) by adding at the end of subsection (c) the following:

“(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.”;

(11) in subsection (f)(1)(A), by striking “with an isotopic concentration not in excess of 80 percent plutonium 238”;

(12) in subsection (f)(1)(C) by inserting “enriched uranium, defined as” before “uranium”;

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

“(2) the term ‘nuclear byproduct material’ means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator.”;

(15) by striking “and” at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

“(6) the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

“(7) the term ‘United States corporation or other legal entity’ means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.”.

## **TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES**

### **SEC. 501. DEFINITIONS.**

Section 841 of title 18, United States Code, is amended by adding at the end the following:

“(o) ‘Convention on the Marking of Plastic Explosives’ means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

“(p) ‘Detection agent’ means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

“(1) Ethylene glycol dinitrate (EGDN),  $C_2H_4(NO_3)_2$ , molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

“(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB),  $C_6H_{12}(NO_2)_2$ , molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

“(3) Para-Mononitrotoluene (p-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

“(4) Ortho-Mononitrotoluene (o-MNT),  $C_7H_7NO_2$ , molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

“(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

“(q) ‘Plastic explosive’ means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than  $10^{-4}$  Pa at a temperature of  $25^{\circ}C.$ , is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.”.

**SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.**

Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

“(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

“(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

“(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

“(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

“(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

“(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.”.

**SEC. 503. CRIMINAL SANCTIONS.**

Section 844(a) of title 18, United States Code, is amended to read as follows:

“(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.”.

**SEC. 504. EXCEPTIONS.**

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting “(l), (m), (n), or (o) of section 842 and subsections” after “subsections”;

(2) in subsection (a)(1), by inserting “and which pertains to safety” before the semicolon; and

(3) by adding at the end the following:

“(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

“(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

“(A) research, development, or testing of new or modified explosive materials;

“(B) training in explosives detection or development or testing of explosives detection equipment; or

“(C) forensic science purposes; or

“(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term ‘military device’ includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.”.

**SEC. 505. EFFECTIVE DATE.**

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

## **TITLE VI—REMOVAL PROCEDURES FOR ALIEN TERRORISTS**

### **SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.**

(a) **IN GENERAL.**—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

“TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

“Sec. 501. Definitions.

“Sec. 502. Establishment of special removal court.

“Sec. 503. Application for initiation of special removal proceeding.

“Sec. 504. Consideration of application.

“Sec. 505. Special removal hearings.

“Sec. 506. Appeals.”;

and

(2) by adding at the end the following new title:

“TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN  
TERRORISTS

“DEFINITIONS

“SEC. 501. In this title:

“(1) The term ‘alien terrorist’ means an alien described in section 241(a)(4)(B).

“(2) The term ‘classified information’ has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

“(3) The term ‘national security’ has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

“(4) The term ‘special removal court’ means the court established under section 502(a).

“(5) The term ‘special removal hearing’ means a hearing under section 505.

“(6) The term ‘special removal proceeding’ means a proceeding under this title.

“ESTABLISHMENT OF SPECIAL REMOVAL COURT

“SEC. 502. (a) **IN GENERAL.**—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

“(b) **TERMS.**—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

“(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

“(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

“APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

“SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General’s discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

“(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

“(1) The identity of the Department of Justice attorney making the application.

“(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

“(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

“(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

“(A) the alien is an alien terrorist and is physically present in the United States, and

“(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

“(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

“(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

“CONSIDERATION OF APPLICATION

“SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

“(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis

of such application and such other information (if any), that there is probable cause to believe that—

“(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

“(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

“(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge’s reasons for the denial.

#### “SPECIAL REMOVAL HEARINGS

“SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

“(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

“(c) RIGHTS IN HEARING.—

“(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

“(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

“(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien’s own behalf.

“(4) EXAMINATION OF WITNESSES.—The alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

“(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

“(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing.

“(d) SUBPOENAS.—

“(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter.

“(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

“(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

“(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

“(e) TREATMENT OF CLASSIFIED INFORMATION.—The judge shall examine in camera and ex parte any item of classified information for which the Attorney General determines that public disclosure would pose a risk to the national security of the United States. With respect to such evidence, the Attorney General shall also submit to the court a summary prepared in accordance with subsection (f).

“(f) SUMMARY OF CLASSIFIED INFORMATION.—

“(1) The information submitted under subsection (e) shall contain a summary of the information that does not pose a risk to the national security.

“(2) The judge shall approve the summary if the judge finds that the summary will provide the alien with substantially the same ability to make his defense as would disclosure of the specific classified information.

“(3) The Attorney General shall cause to be delivered to the alien a copy of the summary approved under paragraph (2).

“(g) DETERMINATION OF DEPORTATION.—If the judge determines that the summary described in subsection (f) will provide the alien with substantially the same ability to make his defense as would the disclosure of the specific classified evidence, a determination of deportation may be made on the basis of the summary and any other evidence entered in the public record and to which the alien has been given access. If the judge does not approve the summary, a determination of deportation may be made on the basis of any other evidence entered in the public record and to which the alien has been given access. In either case, such a determination will be made when the Attorney General proves, by clear, convincing, and unequivocal evidence that the alien is subject to deportation because such alien is an alien as described in section 241(a)(4)(B).

“APPEALS

“SEC. 506. (a) APPEALS BY ALIEN.—The alien may appeal a determination under section 505(f) or 505(g) to the United States Court of Appeals for the circuit where the alien resides by filing a notice of appeal with such court not later than 30 days after the determination is made.

“(b) APPEALS BY THE UNITED STATES.—The Attorney General may appeal a determination made under section 504, or section 505(f) or 505(g) to the Court of Appeals for the circuit where the alien resides, by filing a notice of appeal with such court not later than 20 days after the determination is made under any one of such subsections.

“(c) TRANSMITTAL OF CLASSIFIED INFORMATION.—When requested by the Attorney General, the classified information in section 506(e) shall be transmitted to the court of appeals under seal.”.

## TITLE VII—AUTHORIZATION AND FUNDING

### SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated \$5,000,000 for fiscal year 1996.

### SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed \$10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

- (1) in obtaining explosive detection devices and other counter-terrorism technology; and
- (2) in conducting research and development projects on such technology.

### SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed \$10,000,000 to the National Institute of Justice Science and Technology Office—

- (1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—
  - (A) detection of weapons, explosives, chemicals, and persons;
  - (B) tracking;
  - (C) surveillance;
  - (D) vulnerability assessment; and
  - (E) information technologies;



(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

## **TITLE VIII—MISCELLANEOUS**

### **SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.**

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

### **SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.**

(a) **REQUIRING COMPENSATION FOR TERRORIST CRIMES.**—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting “crimes involving terrorism,” before “driving while intoxicated”; and

(2) by inserting a comma after “driving while intoxicated”.

(b) **FOREIGN TERRORISM.**—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting “are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or” before “are States not having”.

### **SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.**

(a) **EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.**—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “or” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; or”; and

(C) by adding at the end the following new paragraph:  
 “(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

“(A) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in sec-

tion 101(a)(22) of the Immigration and Nationality Act); and

“(B) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process.”; and

(2) by adding at the end the following new subsection:

“(e) For purposes of paragraph (7) of subsection (a)—

“(1) the terms ‘torture’ and ‘extrajudicial killing’ have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

“(2) the term ‘hostage taking’ has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

“(3) the term ‘aircraft sabotage’ has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.”.

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting “, or”; and

(B) by adding at the end the following new paragraph:

“(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.”.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking “or (5)” and inserting “(5), or (7)”; and

(B) by striking “used for the activity” and inserting “involved in the act”.

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

#### **SEC. 804. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.**

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

**SEC. 805. VICTIM RESTITUTION ACT.**

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law” and inserting “shall order”; and

(ii) by adding at the end the following: “The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.”;

(B) by adding at the end the following:

“(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

“(A) the criminal episode during which the offense occurred;

or

“(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.”;

(2) in subsection (b)(1)(B) by striking “impractical” and inserting “impracticable”;

(3) in subsection (b)(2) by inserting “emotional or” after “resulting in”;

(4) in subsection (b)—

(A) by striking “and” at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

“(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses relat-

ed to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and”;

(5) in subsection (c) by striking “If the court decides to order restitution under this section, the” and inserting “The”;

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

“(d)(1) The court shall order restitution to a victim in the full amount of the victim’s losses as determined by the court and without consideration of—

“(A) the economic circumstances of the offender; or

“(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

“(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

“(A) the financial resources and other assets of the offender;

“(B) projected earnings and other income of the offender; and

“(C) any financial obligations of the offender, including obligations to dependents.

“(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

“(4) An in-kind payment described in paragraph (3) may be in the form of—

“(A) return of property;

“(B) replacement of property; or

“(C) services rendered to the victim or to a person or organization other than the victim.

“(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

“(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

“(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

“(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss

from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

“(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

“(A) any Federal civil proceeding; and

“(B) any State civil proceeding, to the extent provided by the law of the State.

“(h) A restitution order shall provide that—

“(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

“(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

“(A) log all transfers in a manner that tracks the offender’s obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

“(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

“(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender’s address during the term of the restitution order.

“(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

“(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant’s employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant’s ability to comply with the restitution order.

“(k) An order of restitution may be enforced—

“(1) by the United States—

“(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title;  
or

“(B) in the same manner as a judgment in a civil action;  
and

“(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

“(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.”.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

“(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant’s dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.”; and

(4) by adding at the end thereof the following new subsection:

“(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”.